

By: King of Taylor

H.B. No. 2835

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the name of the program serving certain persons with
3 special health care needs and prioritizing services provided under
4 the program.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. The legislature finds that:

7 (1) the name of the Children with Special Health Care
8 Needs Services Program should be changed to accurately reflect that
9 the program provides services to persons other than children,
10 including persons 21 years of age and older who have cystic
11 fibrosis;

12 (2) as of January 31, 2015, persons not lawfully
13 present in the United States constituted two-thirds the total
14 number of persons served by the program;

15 (3) as of January 31, 2015, the program's waiting list
16 for services consisted of 178 persons, more than half of whom were
17 identified as persons not lawfully present in the United States;
18 and

19 (4) it is the policy of this state that citizens of the
20 United States who are on the program's waiting list for services
21 should be given priority over persons not lawfully present in the
22 United States.

23 SECTION 2. The heading to Chapter 35, Health and Safety
24 Code, is amended to read as follows:

1 CHAPTER 35. TEXAS [~~CHILDREN WITH~~] SPECIAL HEALTH CARE NEEDS PROGRAM

2 SECTION 3. Section 35.001, Health and Safety Code, is
3 amended to read as follows:

4 Sec. 35.001. SHORT TITLE; REFERENCE IN OTHER LAW. (a) This
5 chapter may be cited as the Texas [~~Children with~~] Special Health
6 Care Needs Program [~~Services~~] Act.

7 (b) A reference in other law to the Children with Special
8 Health Care Needs Services Program means the program administered
9 under this chapter.

10 SECTION 4. Section 35.0021, Health and Safety Code, is
11 amended by adding Subdivision (6-a) and amending Subdivision (8) to
12 read as follows:

13 (6-a) "Person with special health care needs" has the
14 meaning assigned by Section 35.0022.

15 (8) "Program" means the services program for persons
16 [~~children~~] with special health care needs.

17 SECTION 5. Section 35.0022, Health and Safety Code, is
18 amended to read as follows:

19 Sec. 35.0022. PERSON [~~CHILD~~] WITH SPECIAL HEALTH CARE
20 NEEDS. (a) In this chapter, "person [~~child~~] with special health
21 care needs" means a person who:

22 (1) is younger than 21 years of age and who has a
23 chronic physical or developmental condition; or

24 (2) has cystic fibrosis, regardless of the person's
25 age.

26 (b) The term "person [~~child~~] with special health care
27 needs" may include a person who has a behavioral or emotional

1 condition that accompanies the person's physical or developmental
2 condition. The term does not include a person who has a behavioral
3 or emotional condition without having an accompanying physical or
4 developmental condition.

5 (c) A reference in this chapter to a "child with special
6 health care needs" means a "person with special health care needs"
7 and a reference to a "child" means a "person."

8 SECTION 6. The heading to Section 35.003, Health and Safety
9 Code, is amended to read as follows:

10 Sec. 35.003. SERVICES PROGRAM FOR PERSONS [~~CHILDREN~~] WITH
11 SPECIAL HEALTH CARE NEEDS.

12 SECTION 7. Section 35.003, Health and Safety Code, is
13 amended by amending Subsections (a) and (d) and adding Subsection
14 (c-1) to read as follows:

15 (a) The program is in the department to provide services to
16 eligible persons [~~children~~] with special health care needs. The
17 program shall provide:

18 (1) early identification of persons [~~children~~] with
19 special health care needs;

20 (2) diagnosis and evaluation of persons [~~children~~]
21 with special health care needs;

22 (3) rehabilitation services to persons [~~children~~]
23 with special health care needs;

24 (4) development and improvement of standards and
25 services for persons [~~children~~] with special health care needs;

26 (5) case management services;

27 (6) other family support services; and

1 (7) access to health benefits plan coverage under
2 Section 35.0031.

3 (c-1) To the extent allowed by federal law, the department
4 shall give priority for services provided under the program to an
5 eligible person who is placed on a waiting list under Subsection (c)
6 and who provides proof that the person is a United States citizen or
7 is a qualified alien as that term is defined by 8 U.S.C. Section
8 1641(b). The executive commissioner shall adopt rules to implement
9 this subsection.

10 (d) The program may provide:

11 (1) transportation and subsistence for an eligible
12 person [~~child~~] with special health care needs and the person's
13 [~~child's~~] parent, managing conservator, guardian, or other adult
14 caretaker approved by the program to obtain services provided by
15 the program; and

16 (2) the following services to an eligible person
17 [~~child~~] with special health care needs who dies in an approved
18 facility outside the person's [~~child's~~] municipality of residence
19 while receiving program services:

20 (A) the transportation of the person's [~~child's~~]
21 remains, and the transportation of a parent or other person
22 accompanying the remains, from the facility to the place of burial
23 in this state that is designated by the parent or other person
24 legally responsible for interment;

25 (B) the expense of embalming, if required for
26 transportation;

27 (C) the cost of a coffin purchased at a minimum

1 price, if a coffin is required for transportation; and

2 (D) any other necessary expenses directly
3 related to the care and return of the person's [~~child's~~] remains to
4 the place of burial in this state.

5 SECTION 8. The changes in law made by this Act apply to an
6 eligible person placed on a waiting list under Section 35.003(c),
7 Health and Safety Code, following an initial determination or
8 redetermination of the person's eligibility for services under
9 Chapter 35, Health and Safety Code, that is made on or after the
10 effective date of this Act.

11 SECTION 9. This Act takes effect September 1, 2015.